THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

W.P.No. 3104/2006

Kuna Simhachalam ..Petitioner

V.

1. The Regisrar-cum-District Co-operative Officer, VUDA Building, Siripuram Junction, Visakhapatnam and another ..Respondents.

THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

W.P.No.3104/2006

ORAL ORDER

The petitioner who worked as President of Visakhapatnam City Police Employees Cooperative Credit Society Limited, filed the present writ petition seeking a writ of Mandamus directing the first respondent to order fresh enquiry by appointing another person or committee of enquiry under Section 51 of A.P. Cooperative Societies Act, 1964 (for short "the Act") or in the alternative direct the second respondent to record the evidence of the petitioner and conduct the enquiry in accordance with the principles of natural justice contending that the first respondent had initiated an enquiry under Section 51 of the Act on some false allegations by appointing an enquiry committee of three persons headed by the second respondent. Pursuant to the initiation of enquiry, he attended before the second respondent. The second respondent has not recorded his oral statement but forced him to put his signatures on some papers, which he had already written. When he refused, the second respondent threatened the petitioner with dire consequences. Since there is no alternative, he put his signatures on those papers and requested the second respondent to permit him to go through the papers, but he did not permit him to go through the same. Accordingly, he submitted a letter to the first respondent on 30-9-2005 requesting him to order fresh enquiry by appointing another enquiry officer. Since there is no response from the first respondent, the petitioner filed the present writ petition.

Learned Government Pleader for Cooperation, on instructions, submits that enquiry has already been completed and enquiry committee submitted their report.

In view of the same, if any adverse order is passed pursuant to the enquiry report submitted, the petitioner is at liberty to challenge the same raising all the grounds including that his signature was obtained by force and he was not given a reasonable opportunity to participate in the enquiry before the appropriate forum. It is needless to add if any show cause notice is issued, he is at liberty to submit his explanation raising all the grounds including the grounds as stated above.

With the above direction, the writ petition is accordingly disposed of. No costs.

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Kmr 28-3-2006